

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-14 are pending in this application. Claim 1 has been amended to better define the operation of the claimed gaming apparatus and Claims 9-14 have been added to provide a scope of coverage supported, for example, by page 15, lines 12-22, page 16, line 26-page 17, line 7, for example, such that it is clear that no new matter has been added.

The outstanding Office Action indicates that the list of related cases and the associated materials filed September 25, 2000, have not been considered, that Fig. 1 of the drawings is objected to, that the Title is objected to as not being indicative of the claimed invention and that Claims 1-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loose et al. (U.S. Publication No. 2002/0175466 A1, Loose) in view of Shuster (U.S. Patent No. 6,270,409).

The outstanding Office Action erroneously indicates that 37 CFR §1.98 only permits the filing of patents or publications as part of an information disclosure statement (IDS). However, 37 CFR §1.98 specifically indicates that “applications” as well as “other information” can be submitted with an IDS. As the applications listed as related applications fall within 37 CFR §1.98 guidelines, the consideration thereof is required by the rules and the MPEP.

The objection to Fig. 1 is believed to be moot in view of the submitted substitute sheet adding the legend “BACKGROUND ART.”

The objection to the title is also believed to be moot in view of the amended title submitted herewith that is clearly more descriptive of the claimed invention.

Before considering the outstanding art rejection, it is believed that a brief review of the present invention would be helpful. In this regard, the present invention includes a gaming apparatus with a variable display unit that will variably display a plurality of symbols

that is covered by a front side display unit that provides a display of a prescribed while permitting viewing of the symbols displayed by the variable display unit. A concealing unit is also included between the variable display unit and the front side display unit. The concealing unit is configured to temporarily conceal the symbols displayed by the variable display unit during a progression of a game. An internally winning prize determiner to determine an internally winning prize is included along with a stopping controller is also provided to stop the varying of display of the variable display unit based on a result of determination by the internally winning prize determiner. The player is awarded a prize if a stopped state displayed on the variable display unit, which is caused by the stopping controller, matches a prescribed stopped state.

Turning to the outstanding rejection over Loose in view of Shuster, this rejection is traversed because these references considered alone or together in any proper combination fail to teach or suggest all the subject matter of base independent Claim 1 including, *inter alia*,

a front side display unit, which is located in front of the variable display unit, configured to display a prescribed image and to enable viewing of the symbols displayed by the variable display unit;

a concealing unit located between the variable display unit and the front side display unit and configured to temporarily conceal the display of the variable display unit during a progression of a game;

an internally winning prize determiner configured to determine an internally winning prize;

a stopping controller configured to stop the varying of display of the variable display unit based on a result of determination by the internally winning prize determiner; and wherein,

a prize is awarded if a stopped state displayed on the variable display unit, which is caused by the stopping controller, matches a prescribed stopped state.

Neither Loose nor Shuster teach or suggest a front side display located in front of the variable display that displays a prescribed image or a concealing unit that is located between

the variable display unit and the front side display unit and that will temporarily conceal the symbols displayed by the variable display unit during a progression of a game.

The outstanding Action points to 16 as the element of Loose corresponding to the “front side display unit.” However, 16 is simply a display area of video display image 18 as noted in paragraph [0012]. The teaching as to video display image 18 in paragraph [0014] is that this display image can be provided as a direct image by using a flat panel transmissive liquid crystal display (LCD) 14a that is in front of reels 12 (a-c). Thus, 16 simply indicates a display area for the display of a video image 18 and 14a indicates one particular type of video display for providing the same video image 18. Therefore, 14a cannot be said to be taught or suggested to be the claimed concealing unit that is “located between the variable display unit and the front side display unit and configured to temporarily conceal the display of the variable display unit during a progression of a game.” To whatever extent paragraph [0025]-[0026] suggest adjusting transparency of the video image 18, the separate shade embodiment is only used for a bonus game, not basic slot game, to block out the reels. This bonus game shade blocking of the reels is separate from 14a, not a part thereof as apparently suggested in the outstanding Action. Moreover, the stopping of the reels 12 discussed in paragraph [0019] is provided by a central processing unit (col. 2, lines 1-2) and not by the pay table or its display by video display 18 described in paragraph [0020]. Clearly, the reels do not always stop at the positions of the superimposed image 18 or the machine would pay every time it was operated and there would be no reason for Loose to say “[i]f the displayed symbols stop in a winning combination, the game credits the player an amount corresponding to the award in the pay table for that combination multiplied by the amount of credits bet on the winning pay line” in paragraph [0020].

Accordingly, it is believed that the outstanding rejection applied to base independent Claim 1 is clearly improper and should be withdrawn because no *prima facie* case of

obviousness has been established. See MPEP §2143 that establishes that a basic requirement for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Furthermore, as Claims 2-8 all ultimately depend from base independent Claim 1 and, thus, include all the limitations thereof, it is believed that the outstanding rejection as applied to Claims 2-8 is also clearly improper for the reasons noted above as to base independent Claim 1 and should also be withdrawn.

In addition, Claims 2-8 also add limitations to those of Claim 1 that are further not taught or suggested by the applied references considered alone or together in any proper combination. For example, note the plurality of stoppers required by Claim 8. Consequently, the outstanding rejection as applied to Claims 2-8 is also clearly improper for this reason as well as for the reasons noted above as to base independent Claim 1.

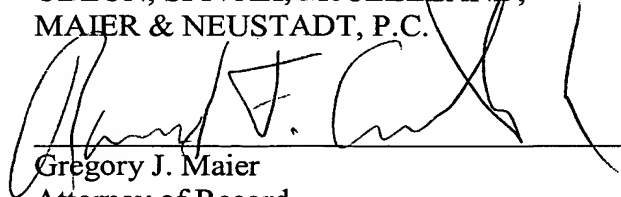
Furthermore, each of new Claims 9-14 all ultimately depend from base independent Claim 1 and, thus, include all the limitations thereof and add further limitations thereto not taught or suggested by the references noted above. Accordingly, the outstanding rejection as applied to Claims 1-8 is also clearly not applicable to the subject matter of these new claims for the reasons noted above as to base independent Claim 1 and because of these added limitations.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet